

## Officer History

**Officer Name:** Hughes, Justin

**Tax ID:** 918535

**Sex:** M

**Shield:** 02515

**Race:** White

**Rank:** DT2

**Command:** 331

**DOB:** [REDACTED]

**Appt Date:** 07/18/1996

**Age:** [REDACTED]

**Tenure:** 24

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
200101655	03/08/2001	02/27/2001	Abuse - Frisk and/or search	Unsubstantiated			105
	03/08/2001	02/27/2001	Abuse - Threat of arrest	Unsubstantiated			105
	03/08/2001	02/27/2001	Discourtesy - Word	Unsubstantiated			105
201910763	12/16/2019	12/11/2019	[REDACTED]	[REDACTED]			331
	12/16/2019	12/11/2019	OMN - Other Misconduct	Other Misconduct			331

**Total Charges = 14**

**Total Cases = 5**

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emma Stydahar	Team: Squad #13	CCRB Case #: 201910763	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tue, 12/10/2019 2:47 PM, Wed, 12/11/2019 5:10 PM	Location of Incident: CVS Pharmacy (31-01 Ditmars Boulevard); [REDACTED] 28th Street, [REDACTED]	Precinct: 114	18 Mo. SOL 06/11/2021	EO SOL 1/26/2022	
Date/Time CV Reported Mon, 12/16/2019 10:54 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 12/16/2019 10:54 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DTS [REDACTED]	480	[REDACTED]	114 PCT
2. DT2 Justin Hughes	02515	918535	101 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM [REDACTED]	[REDACTED]	[REDACTED]	DB GLD

Officer(s)	Allegation	Investigator Recommendation
A . DTS [REDACTED]	Abuse of Authority: On December 10, 2019, at 31-01 Ditmars Boulevard in Queens, Detective [REDACTED] seized [REDACTED] property.	A . Unfounded
B . DT2 Justin Hughes	Abuse of Authority: On December 11, 2019, at [REDACTED] 28th Street, Apt. 1 in Queens, Detective Justin Hughes seized [REDACTED] property.	B . Substantiated
C . DT2 Justin Hughes	Other: On December 11, 2019, Detective Justin Hughes failed to prepare a Property Voucher as required.	C . Other Misconduct

### Case Summary

On December 16, 2019, [REDACTED] filed this complaint via the CCRB's website.

On December 10, 2019, at approximately 2:30pm, Mr. [REDACTED] was inside of the CVS Pharmacy located at 31-01 Ditmars Boulevard in Queens, when Detective [REDACTED] of the 114<sup>th</sup> Precinct confiscated the four \$500 Nordstrom gift cards which Mr. [REDACTED] had just purchased (**Allegation A: Abuse of Authority, Unfounded**). The following day, on December 11, 2020, at approximately 2:00pm, Detective Justin Hughes and Police Officer [REDACTED] both of the Grand Larceny Division, arrived at Mr. [REDACTED] apartment, located at [REDACTED] in Queens. Mr. [REDACTED] invited Det. Hughes and PO [REDACTED] into his apartment and Det. Hughes seized additional gift cards from Mr. [REDACTED] (**Allegation B: Abuse of Authority, Substantiated**). The investigation determined that Det. Hughes failed to prepare a property voucher as required (**Allegation C: Other Misconduct Noted**).

None of the members of service involved in this incident were equipped with a Body Worn Camera ("BWC") at the time. CVS video surveillance footage captured the first part of this incident. The footage can be found in IAs #189 and 120 (**Board Review 01, Board Review 02**), and summaries of the footage can be found in IAs #192 and 122 (**Board Review 03, Board Review 04**).

### Findings and Recommendations

#### **Allegation (A) Abuse of Authority: On December 10, 2019, at 31-01 Ditmars Boulevard in Queens, Detective [REDACTED] seized [REDACTED] property.**

Mr. [REDACTED] (**Board Review 05**) said he entered CVS with the intention of purchasing gift cards to send to someone he had been interacting with online, though he later learned that this person was "scamming" him. [One day prior, he had purchased \$1,500 worth of gift cards at the same CVS location for the same person.] Mr. [REDACTED] walked straight to the counter at the front of the store near the gift card display. Mr. [REDACTED] purchased four Nordstrom gift cards for \$500 each using cash. He initially said Det. [REDACTED] who had been standing behind the counter a few feet away from the registers, approached Mr. [REDACTED] shook his hand, and grabbed the gift cards from him. He then said he did not remember where the gift cards were when Det. [REDACTED] seized them – he may have been holding them in his hand and handed them to her, she may have grabbed them out of his hand, or she may have removed them from his backpack. Det. [REDACTED] told Mr. [REDACTED] that she suspected the gift cards were part of a scam and that she was trying to protect him from fraud. This was Mr. [REDACTED] first interaction with Det. [REDACTED]. She said she would return the funds on the gift cards to Mr. [REDACTED] bank account before giving him a piece of paper with her name and phone number on it and leaving the store.

CVS surveillance footage (**Board Review 01**) begins with Mr. [REDACTED] approaching the checkout counter. The cashier stands behind the counter, holding up a gift card. At the 00:41 minute mark of the media player timestamp (visible at the bottom of the screen), Det. [REDACTED] approaches Mr. [REDACTED]. The cashier looks in Det. [REDACTED] direction and points at the cash register monitor. Det. [REDACTED] and Mr. [REDACTED] converse with each other, but the video has no sound. At 01:00, three additional CVS employees approach Det. [REDACTED] and Mr. [REDACTED]. One of them stands between Det. [REDACTED] and Mr. [REDACTED]. At 01:11, that CVS employee takes a gift card from the counter in front of Mr. [REDACTED]. At 01:23, that CVS employee picks up the other gift cards off of the counter and walks away. For the next three minutes, Det. [REDACTED], Mr. [REDACTED] and the cashier continue to converse. At 04:35, Det. [REDACTED] and Mr. [REDACTED] exit the store together. Throughout the video, Det. [REDACTED] never has possession of the gift cards.

Det. [REDACTED] statement was consistent with the CVS surveillance footage. Det. [REDACTED] (**Board Review 06**) said she was working as the Neighborhood Coordination Officer ("NCO") and

conducting a community visit to CVS when a cashier informed her that Mr. [REDACTED] had purchased approximately \$3,000 worth of gift cards from the store earlier that day and that he was back to purchase another \$3,000 worth of gift cards. As NCO, Det. [REDACTED] knew the area to have a high rate of grand larceny in the form of IRS scams and green dot scams, especially around the holiday season. Generally, these scammers call and target the elderly by masquerading as the IRS or utility company. The scammers threaten the victims, then instruct them to buy gift cards and provide them with the gift card information.

Det. [REDACTED] said she approached Mr. [REDACTED] at the register as he was preparing to pay for the gift cards with cash. She introduced herself and asked what was going on. Mr. [REDACTED] became upset and yelled that he could do what he liked with his money. Det. [REDACTED] asked if Mr. [REDACTED] was familiar with the aforementioned scams. Mr. [REDACTED] said he planned to use the gift cards to pay a friend to fix his computer. At that point and for the above reasons, Det. [REDACTED] believed Mr. [REDACTED] to be a scam victim, so she told the cashier not to process the transaction. Mr. [REDACTED] ultimately left the gift cards he was trying to purchase at CVS. He exited the CVS with Det. [REDACTED] without purchasing any new gift cards, though he still had in his possession gift cards that he had previously purchased and used such that they no longer had any funds left on them. Mr. [REDACTED] kept those in a plastic bag. Det. [REDACTED] did not take those gift cards from him.

Mr. [REDACTED] alleged that Det. [REDACTED] seized gift cards he had purchased from him, but the CVS surveillance footage shows that Det. [REDACTED] did not seize any gift cards from him, and that Mr. [REDACTED] never purchased the gift cards to begin with. Because the investigation determined that Det. [REDACTED] did not seize gift cards from Mr. [REDACTED] as alleged, it is therefore recommended that **Allegation A** be closed as **unfounded**.

**Allegation (B) Abuse of Authority: On December 11, 2019, at [REDACTED] [REDACTED] in Queens, Detective Justin Hughes seized [REDACTED] [REDACTED] property.**

Mr. [REDACTED] said Det. Hughes, who was alone, arrived at his home unannounced. Mr. [REDACTED] invited him inside because he assumed Det. Hughes wanted to speak about confidential information, though Det. Hughes never explained why he was there throughout the encounter. Upon entering the apartment, Det. Hughes noticed approximately four gift cards on top of a small table in the hallway near the front door which no longer had funds on them, though Mr. [REDACTED] had purchased them for \$500 each a few days prior. Det. Hughes picked up the four gift cards from the table near the door, gave Mr. [REDACTED] his business card, and left with the gift cards a few minutes after arriving. Mr. [REDACTED] was unable to recall what if any conversation may have occurred between him and Det. Hughes, including what if any questions Det. Hughes asked him about the gift cards.

Both Det. Hughes and PO [REDACTED] (**Board Review 07; Board Review 08**) testified that prior to this incident date, Det. Hughes spoke with Mr. [REDACTED] over the phone and asked to meet Mr. [REDACTED] at his home to discuss the scam that he had fallen victim to. Once at Mr. [REDACTED] apartment, Det. Hughes said Mr. [REDACTED] provided him with gift cards that no longer had any funds on them (because Mr. [REDACTED] had previously provided their usage information to the scammer). Det. Hughes requested the gift cards for evidence of the crime Mr. [REDACTED] was a victim of, so he could then submit a subpoena to identify the person who used them. Det. Hughes asked Mr. [REDACTED] if he could take the gift cards and Mr. [REDACTED] said yes. Det. Hughes took the gift cards back to his command, photocopied them, and uploaded the photocopies to the DD5s associated with his investigation (**Board Review 09**). Det. Hughes did not recall what happened to the gift cards after he photocopied them. He believed he brought them back to Mr. [REDACTED] at his home, but he did not specifically recall doing so. Mr. [REDACTED] did not request the gift cards back. The gift cards were not vouchered at any point. Det. Hughes described them as “just pieces of paper” with no monetary value.

Det. Hughes and PO [REDACTED] both testified that they had parked their vehicle in front of an active driveway and as a result, PO [REDACTED] had to repeatedly leave Mr. [REDACTED] apartment to check to make sure he was not blocking anyone's car. PO [REDACTED] did not know if Det. Hughes asked Mr. [REDACTED] for any gift cards or if he removed any gift cards from Mr. [REDACTED] apartment, but PO [REDACTED] did not do so himself.

The request for the Property Vouchers associated with Mr. [REDACTED] seized gift cards was returned negative (**Board Review 10**).

Det. Hughes' memo book documents that he and PO [REDACTED] went to Mr. [REDACTED] home on the incident date and the times they arrived and left, but it does not mention anything about the gift cards Det. Hughes removed from Mr. [REDACTED] home (**Board Review 11**).

The DD5s associated with this incident (**Board Review 09**) document Det. Hughes' and PO [REDACTED] visit to Mr. [REDACTED] apartment, but do not mention Det. Hughes returning to Mr. [REDACTED] home, Det. Hughes returning the gift cards to Mr. [REDACTED] or the subsequent whereabouts of the gift cards.

Officers must record and process property coming into police custody, as delineated in NYPD Patrol Guide, Procedure 218-01 (**Board Review 12**), including generating a memo book entry which includes the circumstances and description of the property, preparing a Property Voucher, and ensuring all property is tagged, packaged, and clearly marked by an invoice number to be vouchered.

Both Mr. [REDACTED] and Det. Hughes testified that Det. Hughes removed gift cards from Mr. [REDACTED] home. Det. Hughes said Mr. [REDACTED] consented to the seizure while Mr. [REDACTED] could not recall any conversation that may have taken place regarding the gift cards. Though the investigation was unable to determine whether Mr. [REDACTED] consented to the seizure of his property, Det. Hughes failed to document the property seizure in his memo book and he failed to voucher the seized evidence or otherwise account for its whereabouts. Because Det. Hughes failed to adhere to the parameters set forth in the Patrol Guide regarding the proper processing of Mr. [REDACTED] property once it was seized, it is therefore recommended that **Allegation B** be closed as **substantiated**.

**Allegation (C) Other Misconduct Noted: On December 11, 2019, Detective Justin Hughes failed to prepare a Property Voucher as required.**

As discussed above within Allegation B, Det. Hughes acknowledged taking several used gift cards from Mr. [REDACTED] home and said he brought them back to his command to photocopy as they were evidence of a crime. He could not recall what happened to the gift cards after he photocopied them but acknowledged that they were not vouchered, and the request for the Property Vouchers associated with Mr. [REDACTED] seized gift cards was returned negative.

Officers must record and process property coming into police custody, including preparing a Property Voucher, and ensuring all property is tagged, packaged, and clearly marked by an invoice number to be vouchered. NYPD Patrol Guide, Procedure 218-01.

Because Det. Hughes failed to voucher the seized evidence as required by the Patrol Guide, it is recommended that he be cited for **Other Misconduct**.

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which Mr. [REDACTED] has been a party (**Board Review 13**).

